NATIONAL AGENCY FOR EXAMINATIONS (NAE)
NATIONAL EXIT EXAMINATION FOR STUDENTS OF ETHIOPIAN LAW SCHOOLS
2010/2011 ACADEMIC YEAR

PART II:- PUBLIC LAWS

INSTRUCTIONS:

- ATTEMPT ALL QUESTIONS ON THE BASIS OF SPECIFIC INSTRUCTIONS INDICATED IN EACH SECTION.
- TIME ALLOWED: 3 HOURS.
- **THIS IS A CLOSED BOOK EXAMINAITON EXCEPT NEAT RELEVANT LAWS**
- WHENEVER APPROPRIATE BUTTRESS YOU ARGUMENTS WITH PERTINENT LEGAL PROVISIONS.
- PUT YOUR ANSWERS IN A SEPARATE ANSWER SHEET ATTACHED TO THE EXAM.
- SWITCH OFF YOUR MOBILE PHONE

DO NOT TURN THIS PAGE UNTIL YOU ARE ALLOWED TO DO SO.

Section I: Choose the Best Answer (20%) (One Point Each)

1. One of the following is not a canon of taxation

A. Certainty
B. Productivity
C. Accountability
D. Economy

2. The following statement is correct about commonality of TOT and VAT

A. Both are Indirect taxes
B. Both belong to the family of sales taxes
C. Both avoid cascading effect
D. All
E. None

3. Which one of the following is true about the similarities and differences between restrictions to and derogations from human rights provisions?

A. A restriction suspends the right whereas derogation limits its application.
B. Both are necessary evils at all times and in all places.
C. Restrictions are perpetual in character whereas derogations are temporal.
D. Restrictions are justified by the rights of others alone whereas derogations might be made to protect the constitutional order.
E. None of the above

4. Which one of the following is true about classification of human rights?

A. It helps in prioritizing one right over the other.
B. We have universal standards to classify human rights.
C. It might be considered as a reflection of ideological controversies in human rights standard setting.

D. It mainly serves for academic purposes without any effect of prioritization.
E. C and D are correct.
F. All of the above are correct

5. The goal of separation of powers is

A. To do away with or minimize tyranny
B. To ensure liberty of citizens
C. Ensuring efficiency of government
D. All
E. None

6. The following may not be suspended during emergency under FDRE Constitution except

A. The right to equality
B. The prohibition against inhuman, degrading treatment or punishment
C. The federal democratic organization of the state
D. Right to self-determination
E. None

7. One of the following is true about the federal legislature under FDRE Constitution

A. FDRE Constitution establishes a bicameral house with equal Power
B. The composition of the two houses (HPR and HF) is not different
C. The method of election of the two houses is the same
D. Both HPR and HF participate in amendment of the constitution and jointly elect the president
E. All

8. What rule of law requires is that

A. Subjection of everyone to the same law and ordinary court

B. Equal protection of the law
C. Supremacy of ordinary law
D. Rule of law and not men

9. Constitutionalism requires that

A. There should be popular sovereignty
B. Separation of powers
C. Human rights are respected
D. There should be limit to what the majority can do
E. All

10. Bicameral legislature was envisaged in all except in the

A. 1931 constitution
B. 1955 revised constitution
C. 1987 PDRE constitution
D. 1995 FDRE constitution
E. None

11. One of the following is incorrect about sovereignty.

A. Sovereignty implies that states don't accept any supreme authority above them without their consent.
B. Sovereignty dictates that obedience to international obligation is optional.
C. The executive (enforcement) jurisdiction of states is strictly territorial.
D. Immunities and privileges of a state in another state is an exception to the principle of sovereignty.

12. Which one of the following is true about the legal significance of Recognition of states?

A. It may serve as an evidence to confirm or refute statehood when there is doubt regarding the four factual criteria of statehood.
B. Premature recognition may amount to unlawful intervention.
C. It may have a constitutive effect when new states are created through secession.
D. B&C
E. A&B

13. Which one of the following Doctrines in the law of International Organization receives judicial support in the Reparations for injuries Advisory Opinion when establishing international legal personality for the UN?

A. The principle of Specialty
B. The Doctrines of attributed powers
C. The doctrine of inherent powers
D. The doctrine of Autonomy
E. The Doctrine of Implied powers

14. Identify the statement that does not explain the purpose of environmental impact assessment

A. Serves to bring about administrative transparency and accountability.
B. Enhance community participation in development activities that might affect them and their environment.
C. Cancel development projects that promote welfare of the community
D. Serves to predict and manage environmental effects which a proposed development activity entails.

15. Identify the statement that well describes Sustainable Development?

A. Non- linearity of natural resource degradation is not yet a threat.
B. Possible to employ the theory of 'pollute now and compensate later'.
C. It is becoming less an option for developing nations.
D. Nature has still the potential to accommodate un-sustainability.

16. One of the following statements is true about judicial review?

A. The grounds for judicial review are always contained in the statute conferring powers on public bodies.
B. In judicial review the court reverses the decision of the defendant public body.
C. Judicial review focuses on the way public bodies make their decisions. The basis of a judicial review claim is not that a decision is wrong, unless the decision is so wrong that no reasonable public body could have reached it.
D. In judicial review the court replaces the decision of the defendant public body with its own decision on the merits of the claim.

17. Which one of the following statements is false?
A. writ of certiorari, now called a quashing order, allowed a court to reverse the decision of agencies and replace it with its own judgment of the merits of the case.

B. When a claimant asks a judge to review the lawfulness of a public body's decision, the court will look at the way the public body reached its decision
C. The court has jurisdiction to examine the record of a public body's proceedings and if there are errors on the face of the record the defendant's decision may be quashed.
D. A writ of mandamus is issued by a court to compel a government officer to perform mandatory or purely ministerial duties correctly.

18. A goes to a party and asks his friend B to bring him a non-alcoholic beer. Unbeknownst to him, B returns with a glass of ordinary beer. After consuming several glasses, A gets in to a car and because of his intoxication, he loses control and causes injury to a pedestrian. Which one of the following is true according to the Criminal Code of Ethiopia?

A. Intoxication would be a defense to any crime that requires proof of knowledge and purpose
B. A can raise the defense of intoxication so long as it was involuntary
C. He can’t raise the defense of intoxication at all as he was at fault in putting himself at the party in the first place
D. Even if it were involuntary he can be charged for crimes against public safety

19. Which one of the following is not true about the Federal Courts Special Advocacy License?

A. One needs to have a university Degree and five years relevant experience to hold the license
B. The license is not designed to receive financial rewards
C. The applicant for such category of license is exempted from Advocacy Entrance Examination
D. Professional Indemnity Insurance policy is a requirement to receive this category of license

20. Which one of the following is not true about practicing law?

A. Practicing law without a license is a crime
B. A person can represent his spouse in a court of law without having a license
C. Graduation from law school is a pre condition to become an advocate
D. Any Ethiopian can practice law

Section II: Say true if the statement is correct and false if the statement is in correct? (5%) (One Point Each)

1. Procuring the means or creating the conditions for the commission of a crime is not always punishable under Ethiopian Law.

2. Human rights provisions of regional constitutions in Ethiopia can deviate from their federal counterpart so long as they provide a better protection.

3. Tax withholding is the process of depositing money to be credited later against one's tax liability

4. The difference between first past the post system and proportional representation electoral systems lies in the fact that the former takes place in multi-member district whereas it is in single districts in the latter.

5. A consistent General Practice of states is what separates Habitual acts and acts of Courtesy from acts required by law

Section III:Fill in the blank spaces? (10%) (One Point Each)

1. The moral theory of Emmanuel Kant that condemns using other as a means to our end is referred to as_____.

2. The theory of punishment that aims at discouraging potential offenders and reducing recidivism is known as_____.

3. The tension between democracy and judicial review is known as_____

4. Applications on constitutional dispute first must be submitted to _____

5. _____is a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State.

6. Among the two available income tax systems our tax system is based on _____

7. _____principle allows the tax payer to compensate and make set-off the business loss

suffered by the tax payer in a given year against the subsequent profitable years

8. a form of government where there two executives and in which the president is vested with significant powers and at the same time in which there is a prime minister who is subject to the confidence of the parliament is_____.

9. The remedy that a state requests when it demands that an ongoing act constituting a violation of international law be stopped is called_____.

10. _____ is the basis on which international tribunals assume jurisdiction when the defendant directly goes to litigating the merits of the without contesting the tribunal's jurisdiction.

Section IV: Matching-5% (1 point Each)

COLUMN A	COLUMN B
1. Retribution	A. Condition for Judicial Review
2. Parliamentary sovereignty	B. executive power is coextensive with legislative powers
3. Arbitrary or capricious	C. Supreme Parliament in its law making authority and whose validity cannot be questioned
4. Finality clause	D. Preclude judicial review altogether
5. Conseil D'etat	E. Administrative court
	F. Any harm doer deserves to be punished

Section V: Answer the following questions in not more than five lines? (10%)

1. Define tax base? (5 points)
2. Define the principle of legality and state its rationales? (5 Points)

Section VI: Write short essays for the following questions in not more than 12 lines? (15%)

1. Discuss the merits and demerits of parliamentary system of government? (7.5 Points)
2. Discuss the distinction between unauthorized practice of law and malpractice; and their consequences under the Federal Court Advocates Licensing and Registration Proclamation and the Federal Court Advocates Code of Conduct Regulation? (7.5 Points)

Section VII: Hypothetical case questions (35%)

Case One: (10%)

A drove a school bus carrying 20 children. As he came around a corner, a tire exploded; unless he drove the car in to the opposite lane, the bus would slide off the cliff and fall 1000 feet, killing everyone aboard. However, a car was in the other lane. A knew that if he hit the car it would go over the cliff. Despite this he steered his bus in to the other lane, the other car went off the cliff and the driver of the car and his passenger were both killed.

If A is charged for the murder of the driver and the passenger, what defense could he possibly raise? Why or why not? (10 points)

Case Two: (15%)

Samuel and his colleagues are third year Social Work students in one of Ethiopia's public universities. As part of their academic carrier, they had a serious of visits to various federal and state administered prison administrations. In their visits, they witnessed that, in most cases, accused and convicted persons are detained together indiscriminately and reported that a significant proportion of the accused persons developed a sense of guilt for the crimes they are charged with just because they are detained with notorious criminals. The Social Work department of the university referred the case to the Law School of the same looking for legal advice for the accused which was welcomed by the School which delegates you and your colleagues to deal with the matter.

Answer the following questions based on the above hypothetical Case.

1. **Is there a human rights violation in the case at hand? If yes how if no why not? (12%)**
2. **Where will you advise the accused to take the case to settle the issue at hand assuming that you believe there is a human rights violation? (8%)**
3. **What possible remedies shall be given by the pertinent organ to which you referred the matter assuming that it confirmed your allegations for a human rights violation? (5%)**

ANSWER SHEET FOR PART I

DIRECTIONS:

Please read the following directions carefully before starting to work on the examination.

1. **Write your Name, Father Name and Grand Father Name, the Name of your University and your Registration Number on the spaces provided in BLOCK letters.**
2. **Do not write your Name, Registration number or any other information regarding yourself inside the answer sheet.**
3. **Code Number is for use by the Agency. Therefore nothing should be written on it.**

EXIT EXAM (2003/2011)

PART I

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Section IV:

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Section V:

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Section VI:

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Case Two:

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